

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

KELLY DUNN,

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

Civil No. 2:20cv546

FINAL ORDER

Plaintiff Kelly Dunn (“Plaintiff”) brought this action under 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Social Security Commissioner (“Commissioner”) denying her claim for disability insurance benefits under the Social Security Act.

Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, and by order of reference dated March 4, 2021 (ECF No. 14), this matter was referred to United States Magistrate Judge Lawrence R. Leonard for a Report and Recommendation.

In a Report and Recommendation filed November 12, 2021, the Magistrate Judge found that the decision by the Administrative Law Judge (“ALJ”) to deny Plaintiff’s claim was supported by substantial evidence. ECF No. 22. Accordingly, the Magistrate Judge recommended that Plaintiff’s Motion for Summary Judgment (ECF No.

17) be denied; that the Commissioner's Motion for Summary Judgment (ECF No. 19) be granted; that the final decision of the Commissioner be affirmed; and that the matter be dismissed with prejudice. ECF No. 22.

By copy of the Report and Recommendation, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court received Plaintiff's Objections to the Magistrate Judge's Report and Recommendation (ECF No. 23) and the Commissioner's Response thereto (ECF No. 24) and has considered the objections carefully.

Plaintiff contends that the Report and Recommendation erred when it affirmed the ALJ's decision to deny disability insurance benefits. Plaintiff primarily argues that letters submitted in the administrative proceedings by Dr. John Howard and Dr. Sarala Krishnagiri constituted medical opinions, such that the ALJ erred by declining to analyze them, and the Magistrate Judge further erred by finding that the ALJ's decision was supported by substantial evidence. Secondly, Plaintiff argues that the Magistrate Judge was wrong to conclude, in the alternative, that any error committed by the ALJ in this regard was harmless.

Plaintiff's arguments made in her Objections closely mirror the arguments made in her Motion for Summary Judgment. The Commissioner contends that mere repetition of arguments already made to the Magistrate Judge renders such arguments "general objections" that are insufficient to trigger *de novo* review. Mot. Summ. J., ECF No. 24 at 2 (quoting *Pittard v. Berryhill*, No. 2:17cv71, 2018 WL 4219193, at *1 (E.D. Va. Sept. 5, 2018)). The Court has nevertheless conducted *de novo* review.

Having done so, however, the Court concludes that (1) Plaintiff's objections essentially repeat the arguments made to the Magistrate Judge; (2) the Magistrate Judge addressed and analyzed those arguments before rejecting them; and (3) this Court has reviewed the record and arguments *de novo* and agrees with the Magistrate Judge's findings and analysis. Therefore, rather than simply repeating the Magistrate Judge's work here, the Court endorses and adopts the facts and reasoning already laid out by the Report and Recommendation.

Accordingly, the Court, having reviewed the record and examined the objections filed by Plaintiff to the Report and Recommendation, and having made *de novo* findings with respect to the portions objected to, does hereby ADOPT AND APPROVE in full the findings and recommendations set forth in the Report and Recommendation. It is, therefore, ORDERED that Plaintiff's Motion for Summary Judgment (ECF No. 17) is DENIED, the Commissioner's Motion for Summary Judgment (ECF No. 19) is GRANTED, the decision of the Commissioner is AFFIRMED, and this matter is DISMISSED WITH PREJUDICE.

The parties are ADVISED that an appeal from this Final Order may be commenced by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. This written notice must be received by the Clerk within sixty days from the date of this Final Order.

The Clerk is REQUESTED to mail a copy of this Order to all parties.

IT IS SO ORDERED.

March 28, 2022
Norfolk, Virginia

/s/
Arenda L. Wright Allen
United States District Judge